

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MARK NUNEZ, et. al,

Index No. 11 Civ. 5845 (LTS)(JCF)

Plaintiffs,

**DECLARATION OF
JEREMIAH P. JOHNSON,
Ph.D.**

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

----- X
UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTIONS,

Defendants.

----- X

JEREMIAH P. JOHNSON, Ph.D., declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Acting Deputy Commissioner of Training and Development (“Training”) for the New York City Department of Correction (“DOC”). I began my career with DOC in January 2023 as an Assistant Commissioner of Training and Development, and was appointed to my current position in January 2024.

2. Before coming to DOC, I served in the United States Army Reserve for eight years, and in the Town of Darien, Connecticut, Police Department for more than 20 years. During my policing career, I earned three graduate degrees, including a Ph.D. in Criminal Justice, and worked

as an adjunct professor, teaching graduate and undergraduate courses in Criminal Justice and public administration.

3. Based on my professional and academic experience, I am a firm believer in evidence-based decision making. Only through rigorous targeting, testing, and tracking can an agency assess the effectiveness of its initiatives and implement improvements.

I. Pre-promotional training for Captains

4. In partnership with the Monitor, I have overseen the development of DOC's curriculum for training new captains. The training is called "pre-promotional training" because an officer cannot be formally promoted until the training is completed. Twenty-one training modules were submitted to the Monitoring Team for review, all of which were approved as of February 21, 2024.

5. In March, DOC will commence training for a cohort of 25 new captains using a Monitor-approved curriculum. The classroom training will last five weeks, followed by two weeks of facility-based training. A second cohort of 25 will begin training in April, so that by the summer there will be 50 new captains on the job. Most of these individuals will be assigned to detainee-facing positions in the facilities. The training is designed to provide these new captains with the technical knowledge needed to be successful in their new roles.

6. Similar training is being revised for new Assistant Deputy Wardens ("ADWs"), which will be resubmitted to the Monitor in June.

II. Other Training

7. In August 2023, we commenced in-service training on DOC's Use of Force policy and Defensive Tactics. The Monitor-approved curriculum consists of two days of instruction, four hours on Use of Force policy and 12 hours in defensive tactics. DOC is required to provide this

training on an annual basis. To date, more than 600 members of staff have received this refresher training, which is typically offered two times a week.

8. Beginning in May 2023 DOC implemented a field training program for probationary correction officers (“PCOs”). Upon graduation from the Academy, PCOs enter an eight-week training program at their assigned facility under the mentorship of experienced officers. (The mentoring officers are required to complete a two-week training.) Academy recruits engage in scenario-based training, yet it is important for new officers to practice their craft in custodial settings which can be observed and guided by experienced officers. I am pleased to report this program has improved our retention of PCOs.

9. On February 28, 2024, the Monitor approved refresher training for the Department’s Emergency Services (“ESU”). This curriculum was developed in coordination with the Monitor to address specified concerns regarding ESU. The training will be conducted quarterly and includes modules on search and escort procedures.

III. Retraining Requests

10. We regularly receive requests from facility leadership and the Investigation Division to retrain members of staff, often in lieu of or as a part of, disciplinary action. Often, the retraining is connected to Use of Force issues. There has been a backlog of such cases, which we are in the process of reducing. Retraining is most effective when it is close in time to the problematic conduct, so that a backlog should not exist.

11. Based upon my review of the dashboard the Office of Management, Analysis, and Planning (“OMAP”) developed for my division to keep track of requests for retraining, in 2023, we reduced the backlog of training requests by 44.5 percent from 624 requests to 346. Of the 630

new training requests in 2023, 311 were closed by year-end, 36.9 percent within 60 days of receipt, as compared to 17.8 percent in 2022.

IV. Outside Assistance

12. DOC has received significant assistance in developing its new training programs from the Monitoring Team. Its insights have made our curricula better. I have also sought out technical assistance from other sources, including the Collaborative Reform Initiative Technical Assistance Center of the Department of Justice (“CRI-TAC”). CRI-TAC typically provides training to police departments (it has worked with more than 1,000 agencies). DOC is the first correctional system to receive its assistance. A CRI-TAC expert meets with us every two weeks, and a two-day site visit is planned for this spring. The focus is on training for supervisors and leaders. Our hope is that federal funding may also be available.

13. Additionally, in October 2023, I submitted a request for DOC’s admittance to the technical assistance program for the National Institute of Corrections or NIC. If accepted, NIC will assign a consultant to work with DOC staff to improve our training.

V. Other Initiatives

14. In the spring of 2023, I sought to boost enrollment in two programs at John Jay College, the Cadet Education, Empowerment, and Development for Success (“CEEDS”) and Advanced Certificate in Corrections Management (“ACCM”) programs. Both efforts have proven successful. We now have 22 new cadets enrolled in the John Jay programs - - college juniors and seniors - - double the number from last year. The cadets work as interns at DOC, and one-third typically stay to become officers. Eleven captains are now enrolled in the ACCM program, also double the number from last year. They study part-time at John Jay for two years and, upon completion, receive a graduate certificate and credits toward a master’s degree.

15. Notably, in January 2024, the American Jail Association (“AJA”) selected a DOC master instructor for their Correctional Training Officer of the Year Award. The award will be presented to the officer at AJA’s national conference in May 2024.

Dated: New York, New York
March 13, 2024



JEREMIAH P. JOHNSON, Ph.D.